

MAINE STATE LEGISLATURE

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Date 6/20/23 "Report A" L D 399
(Filing No H-639)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 250, L D 399, "An Act to Amend the Portfolio Requirements for Class II Resources"

Amend the bill by striking out the title and substituting the following
'An Act to Amend the Portfolio Requirements for Class II Resources and Require Money Collected from Alternative Compliance Payments to Be Used for Financial Assistance'

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 35-A MRSA §3210, sub-§3, ¶A, as enacted by PL 2019, c 477, §1, is amended to read

A For the purposes of meeting the portfolio requirement under this subsection, a 300% multiplier is applied to the output of a generator fueled by municipal solid waste in conjunction with recycling that has obtained a solid waste facility license from the Department of Environmental Protection

This paragraph is repealed January 1, ~~2025~~ 2027

Sec. 2. 35-A MRSA §3210, sub-§9, as amended by PL 2021, c 199, §1, is further amended to read

9. Alternative compliance payment. The commission shall allow competitive electricity providers to satisfy the portfolio requirements for Class I resources under subsection 3-A, Class IA resources under subsection 3-B and, thermal renewable energy credits under subsection 3-C and Class II resources under subsection 3 through an alternative compliance payment mechanism in accordance with this subsection

A The commission shall set the alternative compliance payment ~~rate~~ rates by rule, ~~which may not be greater than \$50,~~ and shall publish the alternative compliance payment ~~rate~~ rates by January 31st of each year. In setting the ~~rate~~ rates, the commission shall take into account prevailing market prices, standard-offer service prices for electricity, reliance on alternative compliance payments to meet the

COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to H P 250, L D 399

1 requirements of subsections 3, 3-A, 3-B and 3-C and investment in Class I and, Class
2 IA and Class II resources and thermal renewable energy credits in the State during the
3 previous calendar year

4 (1) The alternative compliance payment rate for the requirements under
5 subsections 3-A, 3-B and 3-C may not be greater than \$50

6 (2) The alternative compliance payment rate for the requirement under subsection
7 3 may not be greater than \$10

8 B The commission shall collect alternative compliance payments to meet the
9 requirements of subsections 3, 3-A and 3-B made by competitive electricity providers
10 and shall deposit use all funds collected under this paragraph in the Energy Efficiency
11 and Renewable Resource Fund established under section 10121, subsection 2 to be
12 used to fund research, development and demonstration projects relating to renewable
13 energy technologies and to fund rebates for cost-effective renewable energy
14 technologies to provide financial assistance for low-income households in accordance
15 with section 3214, subsection 2

16 C The commission shall collect alternative compliance payments to meet the
17 requirements of subsection 3-C made by competitive electricity providers and shall
18 deposit all funds collected under this paragraph in the Thermal Energy Investment
19 Fund established under section 10128, subsection 2 to be used to fund incentives and
20 low-interest or no-interest loans to businesses, municipalities, educational institutions
21 and nonprofit entities in the State for the installation of new thermal energy-derived
22 projects

23 The commission shall adopt rules to implement this subsection ~~Rules adopted under this~~
24 ~~subsection to establish the alternative compliance payment rates governed by paragraph A,~~
25 ~~subparagraph (1) are routine technical rules as defined in Title 5, chapter 375, subchapter~~
26 ~~2-A Rules adopted to establish the alternative compliance payment rate governed by~~
27 ~~paragraph A, subparagraph (2) are major substantive rules as defined in Title 5, chapter~~
28 ~~375, subchapter 2-A~~

29 **Sec. 3. 35-A MRSA §3214, sub-§2, ¶A,** as enacted by PL 1997, c 316, §3, is
30 amended to read

31 A Receive funds collected by all transmission and distribution utilities in the State at
32 a rate set by the commission in periodic rate cases, and

33 **Sec. 4. 35-A MRSA §3214, sub-§2, ¶A-1** is enacted to read

34 A-1 Receive funds collected by the commission for alternative compliance payments
35 in accordance with section 3210, subsection 9, paragraph B, and

36 **Sec. 5. 35-A MRSA §3214, sub-§2,** as enacted by PL 1997, c 316, §3, is amended
37 by enacting at the end a new first blocked paragraph to read

38 The commission may adopt rules to implement this subsection Rules adopted under this
39 subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.'

40 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
41 number to read consecutively

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill and changes the title. The amendment extends the repeal date to 2027 for the law that adds a 300% multiplier to the output of licensed power generators fueled by municipal solid waste in conjunction with recycling for the purposes of meeting portfolio requirements for Class II resources. It directs the Public Utilities Commission to establish by rule an alternative compliance payment rate for Class II resources of not greater than \$10. Rules adopted to establish the Class II resource alternative compliance payment rate are major substantive rules. The amendment also directs funds received by the commission for Class II alternative compliance payments to be used to provide financial assistance for low-income households in accordance with the Maine Revised Statutes, Title 35-A, section 3214, subsection 2.

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 399

LR 1322(02)

An Act to Amend the Portfolio Requirements for Class II Resources

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-639)
Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

Fiscal Note

Minor revenue increase - Other Special Revenue Funds

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Public Utilities Commission (PUC) to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources. Currently, the PUC coordinates with the Maine State Housing Authority (MSHA) to administer existing PUC low-income assistance programs. The PUC anticipates that the new revenues from alternative compliance payments related to Class II resources will be transferred to the MSHA and expended within existing low-income assistance programs.